

TRIPURA**GAZETTE***Published by Authority***EXTRAORDINARY ISSUE***Agartala, Saturday, September 16, 2023 A. D., Bhadra 25, 1945 S. E.*

**PART--I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.**

**TRIPURA ELECTRICITY REGULATORY COMMISSION
(COMPENSATION TO VICTIMS OF ELECTRICAL ACCIDENTS
REGULATION, 2023)**

No F.25/TERC/09/1378

Dated: 25.07.2023

In exercise of powers conferred under section 181 (1) and 181 (2)(za) read with sections 57,58 and 59 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the Tripura Electricity Regulatory Commission hereby makes the following Regulations:-

**CHAPTER-I
PRELIMINARY**

1. Short Title, Commencement and Extent:—

- 1.1. These Regulations may be called the Tripura Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations, 2023.
- 1.2. These Regulations extend to the whole state of Tripura.
- 1.3. These Regulations shall be applicable to all Generating Companies as well as transmission and distribution licensees in their respective licensed areas in the State of Tripura.

2. Definitions and Interpretation:—

- 2.1. These Regulations shall come into force from the date publication in the official gazette.
- (1) '**Authority**' means the Central Electricity Authority (CEA) constituted under section 70 of the Electricity Act, 2003.
- (2) '**Commission**' means the Tripura Electricity Regulatory Commission.
- (3) '**Dependents**' means persons who are entitled to succeed to the estate of the deceased as per the personal law by which the deceased was governed;
- (4) '**Grievous hurt**' means grievous hurt as defined in Section 320 of the Indian Penal Code, Central Act XLV of 1860;
- (5) '**Hurt**' means hurt as defined in Section 319 of the Indian Penal Code, Central Act XLV of 1860;
- (6) '**Licensee**' means a person who has been granted a licence under Section 14 of the Electricity Act 2003, including a deemed licensee under the said provision;

- 2.2** Words and expressions used and not defined in these Regulations but defined in the Electricity Act, 2003 or "Tripura Electricity Regulatory Commission (Standards of Performance) Regulations, 2004" made there under, shall have the meanings respectively assigned to them therein.

CHAPTER-II

STANDARDS OF PERFORMANCE

3. Safety Standards:—

- (1) 53 (a) and (b), Section 73 (c) and Section 177 (2) (b) of the Electricity Act, Central Act 36 of 2003 relating to safety and electric supply.

The above safety standards shall be in addition to the safety standards prescribed in SoP Regulations.

4. Liability for compensation:—

- (1) The licensee failing to meet the standards of performance specified in Regulation 3 above shall be liable to pay compensation as specified in these Regulations to the person affected for loss of human or animal life or injury to human beings or animals or property in consequence of an electrical accident.
- (2) Whether or not there has been any wrongful act, omission, rashness, neglect or default on the part of the licensee and generating companies as the case may be as would entitle the person affected to maintain a civil action for recovery of any damages or compensation or maintain a prosecution for invoking criminal liability in respect thereof, the licensee and generating companies as the case may be shall, notwithstanding anything contained in any other law in force, be liable to pay compensation to such extent as specified in these Regulations, if an electrical accident occurs, resulting in loss of human or animal life or injury to human beings or animals unless the electrical accident primarily was not due to the failure of the licensee generating companies as the case may be to meet the standards of performance but was a direct or proximate result of intervention of some other extraneous reason or cause:

Provided that if the loss of human life is due to suicide or homicide or the injury to a human being is due to an attempt to commit suicide or homicide, the licensee generating companies as the case may be shall not be liable to pay any compensation for the same under these Regulations.

CHAPTER – III COMPENSATION

5. Quantum of compensation:—

- (1) The compensation payable for loss of human life as a result of an electrical accident shall be Rupees 7,00,000/- (7 lacs) per person.
- (2) A sum of Rupees 3,00,000/- (3 lacs) per person in case of more than 60% disability and Rupees 70,000/- (Seventy Thousand) per person in case of disability between 40% and 60% shall be paid as compensation for electric accidents. The amount of compensation will be payable on the certificate with regard to percentage of disability granted by the civil surgeon of the respective area.
- (3) A sum of Rupees 20,000/- (Twenty Thousand) per person requiring hospitalization for more than a week and Rs. 10,000/- (Ten Thousand) per person requiring hospitalization for less than a week shall be paid subject to production of Govt. Hospital/Hospital approved under CGHS bills duly certified by the concerned hospitals.
- (4) The compensation payable for loss of animal life as a result of an electrical accident shall be payable at the following rates:-
 - (a) Milch Animals—
 - (i) Rs. 35,000/- Buffalo/Cow/Camel/Yak/Mithun etc.
 - (ii) Rs. 5,000/- Sheep/Goat/Pig etc.
 - (b) Draught animals—
 - (i) Rs. 25,000/- Camel/ horse/ bullock, etc.
 - (ii) Rs. 16,000/- Calf/ Donkey/ Pony/ Mule

The assistance may be restricted for the actual loss of economically productive animals and shall be subject to a ceiling of 3 large mulch animal or 30 small mulch animals or 3 large draught animal or 6 small draught animals per household irrespective of whether a household has lost a larger number of animals. (The loss is to be certified by the Competent Authority designated by the State Government).
 - (c) Poultry:- Poultry@ Rs. 50/- per bird subject to a ceiling of assistance of Rs. 4000/- per beneficiary household.

- 6. Assessment of Compensation:—** The quantum of compensation payable in respect of death or injury to a human being or an animal shall be arrived at by the licensee as specified in the guidelines to be framed by the licensee. The licensee shall frame guidelines within three months from

the date of the publication of these regulations in the official gazette.

7. Other rights and remedies unaffected:—

The right of any person to claim compensation as above shall not affect the right of any such person to recover the compensation payable under any other law for the time being in force but the amount paid as compensation under these Regulations shall be duly given credit to in any such compensation payable under any such statutory or civil or other liability.

8. Contracts or Schemes Unaffected:—

The right of any person to otherwise claim compensation under any contract or scheme providing for payment of compensation for death or personal injury or any sum payable under any policy of insurance shall remain unaffected by any payment of any sum made under these Regulations.

9. Periodical revision of the quantum of compensation:—

The Commission may, in consultation with the licensees, generating companies and the State Government and for reasons to be recorded in writing, enhance the limits of compensation specified in Regulation 5 above at any time, by a special order.

**CHAPTER-IV
PROCEDURE**

10. Occurrence report of an Electrical Accident:—

- (i) In accordance with the Intimation of Accidents (Form and Time of Service of Notice) Rules, 2005, if any accidents occurs in connection with the generation, transmission, supply or use of electricity in or in connection with, any part of the electric lines or other works of any person and the accidents results in or is likely to have resulted in loss of human or animal life or in any injury to a human being or an animal, such person or any authorized person of the generating company or licensee, not below the rank of a Junior Engineer or equivalent shall send to the Inspector a telegraphic report with 24 hours of the knowledge of the occurrence of the fatal accident and a report in writing in Form A within 48 hours of the knowledge of

occurrence of fatal and all other accidents. Where possible a telephonic message should also be given to the Inspector immediately, if the accident comes to the knowledge of the authorized officer of the generating company/licensee or other person concerned.

- (ii) The records of all such electrical accidents shall be maintained along with the enquiry report prepared under Regulation 11 and investigation report of the Chief Electrical Inspector.

11. Enquiry Report:—

- (i) The Electrical Inspector shall, within 30 days from the receipt of a report of an electrical accident, submit a detailed report through proper channel to the concerned authority of the licensee/generating company, after conducting a detailed enquiry of the said accident.
- (ii) The concerned authority of the licensee/generating company may thereupon pass final orders determining the quantum of compensation payable and the persons entitled to the same, namely the dependents of the deceased person or the injured person or the owner of the animal, or the other bird as the case may be:

Provided that the concerned authority of the licensee shall, for evaluation of various disabilities and procedure for certification of disabilities, follow the State Government Guidelines on such matters.

- (iii) Such verification, assessment and passing of final orders on any compensation payable and the person to whom it is payable shall be completed within 15 days from the date of receipt of a report from the Electrical Inspector.

Provided further that the concerned authority shall pass appropriate orders within 30 days of receipt of the enquiry report from the Electrical Inspector.

12. Communication of the Final Order:—

The licensee and the Generating Company shall communicate a copy of the final orders passed by it on any claim for compensation arising out of an electrical accident to the claimants and the persons entitled within seven days of the passing of any such order.

13. Payment of Compensation :—

The compensation shall be paid to the persons entitled to the same within fifteen days from the date of the final orders of the concerned authority.

14. Dispute Resolution Procedure –

If the claimant or the person entitled is aggrieved with regard to entitlement of compensation or quantum of compensation in accordance with these Regulations or non-redressal of his grievance, the claimant may file an application before the Consumer Grievances Redressal Forum in accordance with Tripura Electricity Regulatory Commission (Consumer Grievance Redressal Forum, Ombudsman and Consumer Advocacy) Regulations, 2020 as amended from time to time. Any person, who is aggrieved by non-redressal of his grievances or dispute or aggrieved by the order of the Forum may make a representation to Ombudsman for the redressal of grievances in accordance with Tripura Electricity Regulatory Commission (Consumer Grievance Redressal Forum, Ombudsman and Consumer Advocacy) Regulations, 2020 as amended from time to time.

15. Presumption :

The occurrence of an electrical accident resulting in loss of human or animal life or injury to human beings or animal shall, for the purposes of assessing the liability of a licensee for compensation, be presumed to be probablising the licensee failing to meet the safety standards of performance specified in Regulation 3 above and the burden of proving to the contrary shall lie on the licensee.

16. Consequences of non-compliance:—

Contravention of any of the provisions of these Regulations and non-compliance with the orders or directions of the Commission under these Regulations shall be deemed to be non-compliance and contravention within the meaning of Sections 142 and 146 of Electricity Act, Central Act 36 of 2003.

17. Information to the Commission:—

The licensee and the generating company shall submit to the Tripura Electricity Regulatory Commission by 15th of every succeeding month, the details of the electrical accidents occurring within their respective jurisdictions and action taken thereon in accordance with these Regulations.

18. Assistance to dependents and victims:—

The licensee and the generating company concerned shall ensure extending all possible assistance and help to the dependents of a deceased human being or the victims of an electrical accident to the extent possible to get over the consequences of an electrical accident, more particularly, medical treatment and physical rehabilitation.

**CHAPTER - V
MISCELLANEOUS**

19. Residuary Provisions:—

- (i) The provisions of these Regulations shall be in addition to and not in derogation of the provisions of any other law or rules or regulations or scheme or contract for the time being in force.
- (ii) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission.
- (iii) Nothing in these Regulations shall bar the Commission from adopting a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing deems it necessary or expedient.
- (iv) Nothing in these Regulations shall, expressly or impliedly, bar the Commission to deal with any matter or exercise any power under the Electricity Act, 2003 for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it deems fit.
- (v) Subject to the provisions of the Electricity Act, 2003 and these Regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of these Regulations and procedure to be followed on various matters which the Commission has been empowered by these Regulations to specify or direct.

- (vi) If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Electricity Act, 2003, which appears to it to be necessary or expedient for the purpose of removing the difficulties.
- (vii) The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties, to dispense with the requirements of any of the clauses in these Regulations in a specific case or cases subject to such terms and conditions as may be specified.

20. Repeal and Savings—

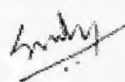
The Tripura Electricity Regulatory Commission (Standard of Performance) Regulation, 2004 with amendments shall continue to be governed by the provisions of the earlier Regulations.

21. Power to Amend—

The Commission may, at any time add, modify, delete or amend any provision of these Regulations subject to the provision of the Electricity Act, 2003.

22. Powers to remove difficulties—

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty.



(Ms. Sujata Das Chakrabarti)
Secretary
TERC, Agartala

ANNEXURE I

CLAIM FORM FOR PAYMENT OF COMPENSATION

1. Date & Time of accident:
2. Place of accident:
3. Details of the accident:
4. Details of the deceased or Injured person(s):
Name (s):
Age:
Sex:
Address:
Occupation:
5. Details of the dead or injured animal(s)
Description:
Age:
Value:
6. In case of non-fatal accidents, details of temporary/permanent/total/partial disabilities suffered, if any:
(Enclose a certificate issued by the relevant District Medical Board or the Appellate Authority)
7. Details of the dependents:
8. Whether or not an FIR is registered by the Police:

Signature of the claimant(s)

Name of the claimant(s)
Relationship with the deceased/injured/animal

ANNEXURE II

To be enclosed to the extent, they can be reasonably secured apart from any other information which the claimant(s) feel relevant:

For Humans:—

1. Proof of identity of the claimant
2. A copy of the FIR
3. A copy of the post mortem report
4. A copy of the inquest report
5. A copy of the Death certificate or wound certificate. In case if the post mortem report/medical certificate is available, death certificate may not be required.
6. A copy of any photo of the deceased or injured person (after the accident), if
7. Available Evidence of relationship with the deceased Evidence of expenses of hospitalization and treatment.

For Animals:—

1. Proof of identity of the claimant
2. A copy of the FIR, if registered.
3. A copy of the post mortem report, if conducted
4. A copy of the inquest report/ panchanama and enquiry report
5. A copy of the Death certificate or wound certificate, if issued
A copy of any photo of the deceased or injured animal (after the accident), if available.
6. Evidence of ownership and value of the animal(s). In the absence of documentary evidence the certificate of ward member of gram panchayat/ Urban ward councilor.